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SPEECH

OF

MR. DAVIS, OF MASSACHUSETTS,

IN THE SENATE OF THE UNITED STATES, JANUARY 28, 1851.

ON

THE COMPROMISE QUESTION.

[THIS LATE EDITION APPEARS IN CONSEQUENCE OF THE DEMAND FOR THIS SPEECH.]

The Senate having resumed the consideration of the resolution submitted by Mr. FOOTE, of Mississippi, and amended on the motion of Mr. BADGER, as follows:

A Resolution declaring the measures of adjustment to be a definitive settlement of the questions growing out of domestic slavery.

Be it resolved, That the series of measures embraced in the acts entitled: "An act proposing to the State of Texas the establishment of her Northern and Western boundaries, the relinquishment, by the said State, of all territory claimed by her exterior to said boundaries, and of all her claims upon the United States, and to establish a territorial government for New Mexico," approved September 9, 1850; "An act for the admission of the State of California into the Union," approved September 9, 1850; "An act to establish a territorial government for Utah," approved September 9, 1850; "An act to amend and supplementary to an act entitled 'An act respecting fugitives from justice, and persons escaping from the service of their masters,' approved February 12, 1793," approved September 18, 1850; and "An act to suppress the slave trade in the District of Columbia," approved September 30, 1850, commonly known as the "Compromise Acts," are, in the judgment of this body, a settlement in principle and substance—a final settlement of the dangerous and exciting subjects which they embrace, and ought to be adhered to by Congress until time and experience shall demonstrate the necessity of further legislation to guard against evasion or abuse—

MR. DAVIS said:

MR. PRESIDENT: I wish to submit a few remarks to the Senate before this question is finally acted upon, if it is to be disposed of by a vote upon its merits. It was my purpose, when this resolution was introduced, to submit my views to the Senate before its passage; but the debate very early became personal in its character, perhaps a little unusually so; and while that personal controversy existed, I had no inclination to enter into the discussion. Since that time, the consideration of the subject has been postponed, from time to time, up to this day, and I should have felt little regret if its repose had not been disturbed.

We have, Mr. President, during the last two sessions of Congress, or nearly so, devoted a very large portion of our time to tranquilizing and ap-

peasing the country, supposed to be in a state of agitation upon the questions involved in this resolution. And, sir, at the beginning of this third session since those topics have been under discussion, the first movement made here, is the renewal of a proposition to recognize in a form unusual, the acts called the compromise measures, with a view to give to them fresh vigor and new strength. Well, sir, I am among those who are not considered precisely the friends of the compromise, although I believe I voted for some three or four of the measures that are grouped together under that designation. But still, as I did not go what is called the whole figure in the matter, I am classed among those who are opposed to the measures of peace, as their friends designate them. We acted, sir, when these topics were before us, with great deliberation; and I, among others, following out my own convictions, gave the votes which are placed upon the record, as the result of my best judgment. I do not undertake to say that they are right or wrong; but they were given in accordance with my own conscientious convictions. But since the passage of these various measures, they have been a topic of very extended discussion outside of the walls of Congress, with the avowed intent to harmonize the public mind by persuading, if possible, all persons to settle down upon the compromise acts as a compact, and to rest in tranquillity.

Now, Mr. President, I think that nothing is more desirable than tranquillity; nothing can contribute more to the peace and happiness of this country than a state of repose upon these topics. But, sir, I think that our experience has shown us that agitation is not to be composed by agitation, but that agitation outside of these walls is greatly promoted by agitation inside of them; and that the speediest way, after all, is to let these subjects alone if you intend or desire that the public mind shall be tranquilized upon them. But, sir, I do not wish to dwell upon this aspect of the question.

In order to meet this resolution in an intelligent way, and to test its merits, if it has any, it is necessary that I should advert to the measures separately which compose what is called the "Compromise," in order that I may see what bearing this resolution has upon each—in order that I may see what application it has—whether there is a propriety in passing it with a view to the objects which have been avowed by its supporters. I will notice them in their order, beginning with the admission of California into the Union, which is generally placed in the lead. The true question arising under the resolution is, whether any action of Congress is desirable in regard to the act admitting California? Does that act require any further recognition from this body—any further legislation in order to impress the public mind with its importance? Does it need support here to give it stability? Does it need to have any new vigor infused into it that it may the more certainly accomplish its object? Sir, let us examine the facts of the case for an instant, and see how we stand. That act is not essentially different in its general features from acts employed to admit States generally. It is much in the same form. There is no essential difference. The Constitution of the United States provides that Congress shall have power to admit new States into the Union. Well, sir, we have admitted California. She is here with her Senators in this Chamber, and her representatives in the other House. California, then, is in the Union, admitted to be a member of it; but, sir, let it be remembered, that while Congress have power to admit new States into the Union, they have no power to turn them out of it. You may turn round and repeal this act to-morrow, and it will be only *brutum fulmen*; it amounts to nothing. You have no more power, no more authority to put California out of the Union than you have to put the State of New York out of it. Sir, this act of admission has executed itself; the power is exhausted; the thing is past; it has gone into the history of the country; and now, what necessity is there for giving new expression, and new support, and new vigor to an act of this sort? None at all, sir. It is obvious on the face of it.

Then, sir, how is it in regard to the boundary act? We had a disputed boundary with Texas—a very troublesome question I admit—arising between that State and the United States. That question involved, also, the question of slavery, because the slaveholding portion of the country were anxious to embrace within the limits of Texas, that being a slave State, all the territory to which any plausible pretension could be set up; and this circumstance alone invested it with importance. Texas, sir, never had possession of a portion of the country which she claimed. It was conquered by the army of the United States. Mexican jurisdiction existed, and was maintained throughout the eastern bank of the Rio Grande, when the army was sent to that region. The Mexicans were dispossessed of that jurisdiction, and possession was taken by the troops of the United States; yet Texas, having extended upon paper her boundary westward to the Rio Grande, when the conquest was made and secured by treaty to the United States, came in and claimed it for her benefit. She asserted a right to New Mexico, founded on this paper boundary, though she was a stranger

to the territory, alleging that the conquest inured to her benefit. Sir, Texas in this way set up her claim, and she was backed up by a party outside of this Chamber—not a party which was created by the then existing state of things, but a party which had long existed in the country—a party who were desirous of secession from this Union, and watching for an opportunity—in other words a party that was and had been from the days of nullification disunionists. They perceived at once that this boundary question was just the thing on which to raise doubts and involve the public mind in perplexity. The larger the limits of Texas the greater would be the slave territory, and hence any proposition to curtail the boundaries had an exciting interest. My friend from Texas [Mr. Rusk] smiles at this remark; but I was about to say that he and his colleague managed very judiciously for Texas: they encouraged that state of feeling, and it went on here just for the purpose of enabling my friends from Texas to drive a good and profitable bargain for that State. Nevertheless, without dwelling upon this subject, the bargain was made; Texas was bought out; Congress did propose in the bill which passed both Houses certain propositions to the State of Texas to adjust this boundary. It was necessary, by the terms of these propositions that Texas should give her assent to them; and, when she did so give her assent, it was to settle the boundary, and she was to have the sum of ten millions of dollars in consideration of the concessions which she was supposed to make, that is, she was to cease all complaints.

Now, sir, I do not desire to enter upon the merits of this matter. I simply wish to say that this act of Congress—Texas having given her assent to it—is a contract between two parties, one of which, is the United States and the other the State of Texas.

And now, Mr. President, I will ask gentlemen whether they have any right to modify this act? It stands here in the nature of a contract under hand and seal, between these parties, and can no more be modified by the one without the consent of the other, than one individual can modify an agreement between him and another. On what ground, then, are we, by this resolution, to impart fresh strength or importance to this act? The idea that such an act needs strengthening, or needs confirmation, implies that the United States are about to dishonor themselves by denying its provisions, or by refusing to execute them in good faith. But, as no such step is meditated, I apprehend there is no occasion whatever for the passage of this resolution.

The next acts are those establishing territorial governments in Utah and New Mexico which I shall consider together. I should have remarked, that I voted for both the previous acts upon which I have been commenting, but I voted against these territorial government acts, not because I did not suppose that government was necessary in these Territories, and that there was an obligation upon Congress to maintain order and protect rights there. But it will be remembered, that the President sent a message to the two Houses of Congress, informing them, of what they very well knew, that there had been an attempt made to create a territorial government for one of those Territories which had failed because of a disagreement between the two Houses concerning the provisions of the act, and as legisla-

tion had failed he advised that New Mexico should remain as she was under the existing government till Congress should give a better.

I was opposed to these territorial acts for reasons which I will very briefly assign. I was opposed, sir, to the extension of slavery into free territory, and had been, as every one knows, who has paid any attention to my services here. That principle I had repeatedly avowed, and it governed me in my action upon these territorial bills. New Mexico was free territory; California was free territory; and I was opposed to the extension of slavery into such territory. This, however, was not the only consideration, but there was another of greater and more imperative character. I thought that another course of policy was not only justified, but demanded by the best interests of the country. The President, in the message to which I have referred, said the territorial bill for governing New Mexico had fallen, and the wisest way, under existing circumstances, was to let her remain under the provisional government established by the preceding Administration. This was the opinion of the honest, the sagacious, the pure, the single-hearted Taylor. He saw what was coming, and that a state of things would soon exist, which, if met with patriotism and candor, would silence the turbulent spirit which had shown itself.

Long before these measures, termed the compromise acts, became a law, there was a constitution brought to the Capitol and laid upon the tables of the two Houses, made by the Territory of New Mexico. She, finding herself to be in the same attitude as California, pursued the same course. She elected a convention of delegates, instructing them to frame a constitutional government. That constitution was framed, was submitted to the people, was ratified, and was laid before Congress, requesting that New Mexico might be admitted into this Union as a State. Thus both Territories were before us at the same time, and under circumstances not dissimilar. I was in favor of admitting her as well as California; and notwithstanding all that has happened since, I have never to this moment doubted the wisdom of that policy; and I will state to you very briefly and very frankly, why I have never doubted it.

In my opinion, the constitution which she adopted was a liberal, well-devised scheme of government; but it received no favor or countenance from the majority of the two Houses of Congress. It was rather treated, (through unpropitious influences,) if I may use so strong an expression, with scorn and contempt, under the pretense that New Mexico was not yet in a fit state and condition to come into this Confederacy, though we all see, by the returns of the Census, that she has a larger population than many States which have been admitted into the Union; that she had long been an organized State in the Mexican Confederacy, and had necessarily acquired that knowledge of free government which would qualify her for an entrance into this Union. But I do not intend to discuss that question; I mean to say merely, that it would have been wiser to have admitted her as a member of this Confederacy than to have rejected her proposition, and place a territorial government over her. Sir, I think it would have been more judicious, because it would have settled this agitated question forever. There would have been the end of it, and the end of agitation. If she had been admitted, this

agitation which now vexes the country would have ceased long, long ago. And I think I can show conclusively, that such would have been the result. She came here as California did, with a provision in her constitution prohibiting the introduction of slavery. Suppose she had been admitted with that constitution, she would then have been a member of this Confederacy with that provision in her constitution, and the question of slavery, so far as it regards these two great frontier States, would have been settled, and settled forever. There would have remained, after admission, nothing to complain of, nothing to agitate with success, if, in the admission, no principle was violated; and I believe such a course would have commanded, in the end, the approbation of the whole country. The free States could have raised no valid objection, and the slave States would have been silenced by their own principles. There would have been no escape from it; and I will show you why. The slave States have, at all times, denied the right of Congress to legislate with respect to the introduction of slavery into the Territories; but they have not denied the right of the local population, when it comes to claim admission to the Union, to frame their constitution as they please on this point, prohibiting, if they see fit, the existence of slavery. On the contrary, the leading men of the South have favored that idea. I will read you, sir, the views of a very distinguished Senator from the State of South Carolina, now no more—the late Mr. Calhoun. I read from a resolution laid before the Senate by that honorable and lamented gentleman in 1847. It is one of a series of resolutions, in the Journal of the Senate, upon this very subject, this matter of slavery agitation, and it is in these words:

"Resolved, That as a fundamental principle in our political creed, a people, in forming a constitution, have the unconditional right to form and adopt the government which they may think best calculated to secure their liberty, prosperity, and happiness; and that in conformity thereto, no other condition is imposed by the Federal Constitution on a State, in order to be admitted into the Union, except that its constitution shall be republican; and the imposition of any other condition by Congress would not only be in violation of the Constitution, but in direct conflict with the principles on which our political system rests."

There, sir, is a very distinct avowal, an undeniable recognition of the right of a local population, in making a constitution, to introduce such opinions in regard to slavery as they see fit; and that opinion is declared by that honorable gentleman to be binding, and any attempt on the part of Congress to deviate from it, would be a violation of the Constitution of the United States. Well, sir, how was it during the discussion in regard to the admission of California? There was a provision of this kind in the constitution of that State. Was there any gentleman here, in the various discussions which we had upon that subject of many months' duration, who denied that California had a right to put such a provision into the constitution she had made? I did not hear everything that was said on that subject, and therefore there might have been; but I remember no gentleman raising a question on that point; and such was the statement of a Senator from Mississippi at this session, [Mr. Foote.] But, sir, I have a piece of evidence more conclusive than that on this particular point. We passed, as you, Mr. President, very well know, a territorial law establishing the Territory of New

Mexico. Into the second section of that law we put these words:

"Provided, further, That, when admitted as a State, the said Territory or any portion of the same shall be received into the Union with or without slavery, as that constitution may prescribe, at the time of her admission."

Well, that was voted for by the South, and is a distinct recognition of the right in the territorial law itself to place such a provision in the constitution of the State as they may see fit in regard to this subject. This is tantamount to an affirmation of power in a Territory to exercise its free will on this point, as was done in California, Arkansas, and other States, and as far as the South was concerned was doubtless intended as a declaration of right. Suppose New Mexico had been admitted as a State with a provision in her constitution which she had a right to place there according to these authorities, is it not true, as I said in the outset, that this question would have been settled—settled forever—and there would have been an end to all agitation—an end to it upon principle—upon a principle recognized by the slaveholding interests and adopted by them as sound and conclusive in its character? Nothing seems to me to be plainer than this. Then, sir, I return to the remark which I have already made, that, in my judgment, it would have been more for the peace and happiness of the country if New Mexico had been admitted into the Union with this provision, and then this great and troublesome question would have been settled. There was other territory, it is true, in which slavery might have been established, but it is not probable that it would leap this frontier line of States to establish itself beyond them and in their rear. This was my leading motive in preferring a constitutional to a territorial government for New Mexico; because I perceived, as well as did other gentlemen at the time, that this question would be necessarily agitated under a territorial government; that there would necessarily be a struggle in regard to it on the one side or on the other, to fix the character of the Territory when it should come to be a State; and so the course of events has proved.

Before passing to the next question, I shall make one remark more in connection with the subject embraced in this resolution. This resolution proposes to give stability to this territorial law. It proposes that it shall be a sort of finality—an unalterable law—a law not to be amended or modified by Congress, but one that shall stand as it is forever. Now, sir, the assumption of any such ground is wholly incompatible with the duty which Congress owes to these Territories. If any emergency should spring up to render legislation in Congress necessary or expedient, it is the duty of Congress to respond; and it will legislate, notwithstanding the passage of any resolution, or any sentiments, which may be cherished or cultivated in the country. But it is perfectly obvious that these territorial laws cannot be permanent. We have, in the first place, a usage binding in its character, to admit a State created out of territory of the United States, when the people are in a fit condition to be admitted. If there were nothing else, that usage would be obligatory upon us. But there is something beyond this. The treaty of Guadalupe Hidalgo provides that these Territories shall come into the Union when they are in a suitable condition for that purpose. It is, there-

fore, not only repugnant to common sense, but to our duty, to undertake to say that a law of this description shall be permanent and irrevocable in its character. The time must come when a constitution will be made for each of these Territories, and that constitution will necessarily displace these territorial laws, and render them obsolete. Then, sir, I do not think that this resolution is very applicable to so much of the compromise measures as relates to these territorial governments, any more than to the two preceding measures which I have noticed.

Sir, I have now disposed of four of these measures, and the next is a little bill in regard to the slave trade in the District of Columbia. That, sir, is a very unimportant matter, and may be dispatched in a very few words. It is, I know, sometimes magnified into an important concession, but whether important or unimportant, I do not believe that anybody desires to disturb it. This law, as I understand it, only brings the District to a level with the condition of things in Maryland, and by it the District is now placed upon the same platform as that State in this respect. It had fallen into the rear in the progress of things, and it is now brought up and placed upon an equality with Maryland. But if gentlemen feel anxious to repeal this law, I should look upon such a proposition with some regret, although I have no idea that it would be the occasion of a great many tears being shed in the country. I therefore dismiss that matter, and come to the fugitive slave law, which is the last of the measures comprehended by the compromise. It will be remembered that in the outset, this fugitive slave law made no considerable figure in the report of the great Committee of Thirteen. It had no place in their original bill. It was noticed in their report, but not in their bill, and was finally imbodyed by members opposed to the compromise. But, sir, this charmed robe of "compromise" has been thrown around this measure, and from its very passage it has become altogether the most important of any measure embraced in that category. I do not see how this resolution can apply to any one of these measures with any pertinence, unless it be the fugitive slave act; and in that view the fugitive slave act comes to be, as it is, the compromise itself. It is the only one of the batch which needs nursing.

Mr. President, I voted against this act, and I voted against it because the convictions of my mind settled down upon the conclusion that it was my duty to do it; not because I then felt or now feel any objection to carrying out that part of the Constitution which provides for the return of fugitive slaves. No, sir. There never was a moment when I had any doubt on that point. That is a part of the Constitution, and the Constitution is a whole; it is a compact, and all its parts are binding upon every portion of the country. Some of them are more important than others, but, nevertheless, all are binding, all are obligatory upon the whole country. No, sir; I am not among those—if there be any such—who esteem parts of the Constitution as valid, and other portions as invalid. I maintain no such doctrine as that. I take the instrument as it is; and I am willing, for one, to abide by it in honor and in good faith, and under all circumstances which may exist.

It was not, against a suitable law that I lifted my voice, but it was against this particular

law. Why did I vote *no*, when that act was before this body? Because, Mr. President, I deemed the provisions of it, in their detail, as unsuitable in their character; because I thought they were not pertinent and applicable to the subject; and because I did think that some of the great fundamental features of the Constitution were too much disregarded in that bill.

While I have no disposition to agitate, neither have I any concealment of my views on this subject, but I speak them frankly here and elsewhere. I am no advocate of agitation. But I know how extremely difficult it is for a gentleman to speak his thoughts upon this subject, without his language being misunderstood, and his sentiments misrepresented in the community; nevertheless, whoever acts upon these questions must encounter these difficulties.

There is, in my judgment, no question raised in the judicial tribunals of the country which is of greater or of higher importance than the question of personal liberty. And if there be any question which is entitled to the deliberate consideration of such tribunals, and to all the guards and guarantees given in judicial forms to secure deliberation and impartiality, it is preëminently that of personal freedom.

Well, Mr. President, what are the provisions of this law? Before, however, I enumerate them, I ask attention for a moment to the watchful guardianship and protection which the Constitution itself gives to all parties who enter a judicial tribunal to have a question in controversy settled, whether affecting property or the person. In the first place, whenever a question at common law is put upon trial, involving property exceeding \$20 in value, it is to be settled by a jury. And still more watchful is the Constitution over the rights of citizens when charged with crime. No man can be held to answer for a felony until the grand inquest have found a bill against him; nor is any man put upon trial for crime except by his peers, a *petit jury*.

These are among the fundamental principles of the Constitution. We learn from English history itself that this institution of a jury was considered the palladium of British liberty. If there be any principle precious to us, if there be any one thing that is a more effective shield than all others between us and the oppression of a court, it is the intervention of a man's own peers upon the question of man's property, or a question touching his guilt, if he is charged with crime. I mention this merely to show how vigilant the Constitution is in regard to personal right and the right of property, and how carefully it guards and protects the rights and liberty of every citizen.

I now return to the inquiry, What is this law? What are its provisions? It provides that this great question of personal liberty shall be settled not by a jury, not by a judge, not by a man supposed to possess learning and official dignity, but by an inferior magistrate—a man appointed to-day and subject to removal to-morrow. The law itself says it shall be a "summary process"—a process in a corner, instead of an open public trial notorious to everybody. Again, the question is to be settled by evidence taken *ex parte*, which the party arraigned has no opportunity to meet, to explain, or to controvert. Then, Mr. President, I say there has not been sufficient regard paid, on a

question of this description, to the great fundamental principles of the Constitution. But I shall be answered, I know, by gentlemen, who will say that the provision in the Constitution in relation to the return of fugitive slaves is silent in regard to a jury. That is true; it neither indicates that a jury should be required, nor that it should not. What, under such circumstances, is to be done? My opinion leads me to this conclusion—other gentlemen may differ, and no doubt do differ from me, but in the absence of a provision, my judgment is—that they should follow out, in making a law in this case, the provision which the Constitution makes in analogous cases. That would seem to me to be the proper interpretation of the Constitution itself. If in other cases touching liberty and property, a jury is required, it should be resorted to in this. Without dwelling long upon this subject, I consider this law as unnecessarily stringent in its character, and as not regarding sufficiently in its provisions the leading and fundamental principles of the Constitution, though I do not mean to say it is unconstitutional in the letter; yet it has not that respect for those fundamental principles which the importance of the subject-matter seems to me to demand, and which a fair interpretation of the Constitution requires. That is the view I take of this subject.

But there is another matter to be considered. When we read that statute, there is a suggestion that always arises in the mind, and it is this: Why is this act, which carries out a certain provision of the Constitution, at variance with those general principles that may be esteemed analogous in their character? Why are those principles shunned? Why is there no jury? Why an absence of those formalities which constitute the guarantees of a fair and deliberate trial? I never could see but one answer to these inquiries. The implication from the absence seems to be, that the people who are selected for juries in the free States are not to be trusted with power of this description. I do not speak of the motives which have influenced any one, for they are unknown to me; but I speak of what almost necessarily suggests itself to the mind of the reader—the implication that arises in the mind from reading the act itself, and gathering up its tenor and its provisions. I do not think, if that is the spirit of the act, that the inference which is implied is authorized or justified by any facts which exist. What is the effect of it? It amounts to this: "We distrust 'your sentiments upon this topic; we distrust 'your integrity, your honor, your good faith, 'your disposition to execute, fairly and honorably, the Constitution of the country; and, dis-trusting that, we will not confide the power to 'you.'" I hope no such conviction has influenced the mind of any one; if it has, great injustice has been done to the fidelity of jurymen through misapprehension of their attachment to the Constitution of their country. In my opinion, sir, those who desire an effective law would obtain their object by a liberal act with greater certainty than by one not acceptable to those amongst whom it is executed. In my judgment, there is no disposition among the great body of the people who constitute the juries of the free States, to shun the duties which they owe to the country in the execution of the laws and the Constitution—none whatever; and to assume that there is, involves grave con-

siderations, and awakens feelings neither calculated to promote harmony or to cherish the respect for legislation which it is desirable to accord to it.

I need not say more upon this. I have revised in my own mind the proceedings upon this topic; I have anxiously considered them, and considered them with the hope that I might be convinced that this was a wise law, and that I might be able cheerfully to give to it my support on all occasions, and to say that it was a prudent and proper measure, and ought to be supported by public opinion. But, sir, I cannot. I am not master of my own convictions. The result to which my mind comes, from the facts, stands as it did at the time the law was passed. But let it not be understood or supposed, while I reiterate these objections to what is denominated the fugitive slave law, and while I am unable to vote an opinion that it ought to be a permanent act standing, as it were, ingrafted upon the Constitution of the country, that I am the advocate or apologist of unlawful combinations of persons who meditate obstructing the execution of the law by unlawful means. No, sir; I never was in any such association. I never anywhere gave countenance to such an act. That is not my policy. I leave this act to stand upon the statute-book like other statutes; and there let it remain, Mr. President; let its validity be tested by the peaceful tribunal which the Constitution has provided for that purpose. And if that tribunal says that it is constitutional, as I believe it does, let it remain, and let it, like other laws, be executed until it is the pleasure of Congress to change, alter, modify, or repeal it. Whenever public opinion shall have calmed down so that it shall perceive what is best adapted to the state of things and the condition of the public mind, I apprehend there will be no great difference of sentiment on this point. It will be perceived generally—South as well as North—that an act of milder features, conforming more to the judicial system of the country, an act securing better the rights of the fugitive and a fair opportunity for inquiry, will be vastly more useful to them as well as much more satisfactory to the rest of the country. Let it stand, then, until that time comes. Let the questions which arise from it be discussed and disposed of here, as the Constitution intends they shall be. That is my view of the matter.

I have thus considered all the acts embraced in what is called the compromise. The result of my inquiry and examination is, that there is no justifiable reason for undertaking to give new guarantees and new indorsements, by legislative acts, to this measure. There is nothing to be gained by it. On the contrary, the implication naturally arises, that the acts need a new opinion to be expressed by new bodies, in order to give to them the force which the Constitution designs that every law shall have, and the tendency is to diminish the respect which the public feel for them.

Mr. President, the consequences which have grown out of this continuous agitation of these matters in Congress, for a period of more than two years, now running into the third successive session, have been attended with great, and I apprehend, lasting mischief to the country. It is difficult to appreciate how great it is. One effect has been to smother the proceedings of this Government in everything else. I think some gentle-

man stated, when we took the docket up during this session, that it was the first time we had entered upon a regular action upon it for two years. I do not know how that may be; but I do know that there has been little business done, save and except that which was indispensable in its character—little beyond passing the appropriation bills. When Congress came together two years ago, there were high hopes and high expectations, that the session might result in the adoption of measures which should contribute to the public prosperity, and to the happiness of the great industrial interests. But, sir, if the iron-master of Pennsylvania is gloomy when he sees the fires of his forges extinguished; if he is distressed when he sees ruin gathering around him while he is exerting his best energies in prosecuting his business; if he is indignant that his repeated and earnest appeals to this Government for some protection, a protection which comports with the best interests of the country, and is well adapted to give to it a vigorous prosperity, he must find the solution of his disappointments, his blasted hopes, in the devotion of Congress to this single subject.

So with the cotton and wool spinner. If some see the year gone about while they have run on short time, or kept in operation only a part of their works, or have started the machinery only to rub off the rust, and find the results of the year to foot up with a heavy loss, and are unable to account for the fact that Congress turns a deaf ear when they come here to complain of unjust legislation as the cause of their sufferings and disappointments, they also may find the solution of the real or seeming neglect in the fact that Congress has devoted all its time, all its energies, to this threadbare subject of agitation. And so it is with the mariner. If the ship-owner or ship-master upon the lakes finds his vessel stranded and his property lost, and he is indignant that the Government have bestowed no attention upon the numerous wants of that portion of the country, and given no place of refuge to the navigator, his answer to all complaints is found in the fact, that we sought to provide for him the last day and the last night of the session, which was all the time, and more than all, we were able to devote to his interests, out of ten months, and at last failed because there were more pressing necessities of the Government which demanded the remnant which remained. These are some of the consequences which have grown out of the extraordinary state of things which have existed for the last two years; and if a plan to frustrate all other legislation had been carefully devised, it could not have been more effectual.

Now, what is it that has saved the country from a crisis like that of 1840? I have before me a book of some authority, which speaks of that matter in England. It is from the pen of an English writer of intelligence and ability, and I will read from it a paragraph:

"Had it not been for the copious stream flowing into the coffers of the Bank of England from California, which has sustained credit and continued prosperity during the last year, there would, beyond all question, have been a monetary crisis last autumn equalling that of 1847. The immense excess of our imports above our exports amounting to at least forty millions sterling, must have occasioned such a drain on the metallic resources of the country, as would have brought down the bank notes in circulation to £16,000,000, as in November, 1847, had it not been for the

copious stream from without, which constantly fed the supplies of the precious metal."

"Gold at San Francisco is now worth only £3 5s. an ounce: 2s. additional an ounce will bring it to this country; but the Bank of England are forced, by the act of 1844, to give £3 17s. 10½d. to every person who brings it to their doors. The consequence is that all this gold is brought to the Bank."

That is the effect produced, in the judgment of the writer, by over-trading in England, by an excess of imports over the exports of the country. She has been saved from the unparalleled catastrophe of 1847 by the gold of California. How does that apply to us? Why, sir, it is a fact too notorious to lead to any misapprehension, that during the last two years there has been a vast balance of imports over and above the value of the exports of this country, and we have in that time seen the unmistakable signs of a money crisis obviated by slipping this same California gold to Europe. What has been the result of the operations in California? What influence have they had upon the rest of the country? The gold which has been raised from the earth there, has, as this writer says, flowed directly into the Bank of England, because they are paying a larger price for it than it is worth in California. But it subverses a great purpose here, by warding off a money crisis in this country by paying for the balances which are due to a large extent for the excess of imports. What is the effect of all this upon our business and industrial pursuits? Very little of this gold stops in the United States. If you keep your eye on the steamers that sail to Europe from week to week, you find, without exception, that they carry out large quantities of specie. The precious metals in some form or other, either as coined at the Mint or in the virgin state, are carried there. It has come to this, then: that gold is raised out of the bowels of the earth in California as a product, as an article of merchandise, and it takes the place of the products of labor. Now judge what the difference would be if, instead of paying a balance of fifty millions, or any other large sum, against us in gold, we pay it in the products of labor. You can form an estimate at once how useful it would be to the country, if the ordinary laborers employed at the plough, at the loom, and at the anvil, could produce enough to pay these fifty millions. It is now produced by irregular labor, by which Mr. A., if fortunate, makes at once \$100,000; Mr. B. \$30,000 or \$40,000: and this takes the place of regular labor, concentrating money in the hands of a few individuals. If this amount could be diffused among the farmers, among the manufacturers, and among the mechanics of the country, among all classes who are engaged in industrial occupations and pursuits, then your importations would be paid for by the labor of the country, instead of by this irregular occupation. But I have before me a slip which I cut from a newspaper, and which I will take occasion to read to the Senate in part, as it treats this subject, in my judgment, with ability, with clearness, and with force:

"California," says this writer, "which should be as the treasure-house of the nation, the source of immense advantage to our various interests, by stimulating the industry of the country, by developing its resources, and by swelling to an almost boundless extent the material prosperity of our people, does nothing for the country but act as a make weight

against the depressing influences of the tariff of 1846. California saves us from revulsion. California saves us from the effects of the overwhelming tide of foreign importations. California pays our foreign balances. California is the Fortunatus's purse which shields us from the natural effects of our spendthrift career. It is our national goose, laying golden eggs, and so allows an almost perfect impunity in national extravagance and wastefulness for the time being. But California does not increase our heaps of ingots, it does not promote American enterprise or develop American resources; it does not erect manufactories, and build up villages, towns, and cities; it does not diversify industry and employ labor in any of the ten thousand ways in which an abundance of money might be expected to display its presence and its influence. It does not carry forward enterprise, and schemes of public improvement, or stimulate industry, and infuse new life into the channels of business, as the annual shower of these vast millions of gold should and might reasonably be expected to do. No, California does none of these things. The gold is no sooner dug and coined than it is sent off to foreign countries to pay for what we buy there, to stimulate foreign industry, foreign trade, and foreign commerce, and not our own. And the country is not to-day one whit better off, not indeed so well off, with its vast products of California gold, which could be made to achieve such stupendous results, as it would have been under a sound protective policy, without any California at all."

There is, to say the least, much in these well-condensed remarks which deserves consideration. This country is a great store-house of nature, filled with a superabundance of crude material. Our mountains are swelled with coal and iron almost ready for the anvil. We have, too, gold, silver, copper, lead, and nearly all the metals, in the greatest abundance; and to these may be superadded all the products of a fertile soil, extending from the tropic to the 49° of north latitude. We are a world within ourselves—planted in the midst of the greatest, richest, and best blessings of a kind Providence—amid such a vast and boundless store-house of nature, that it requires great ingenuity so to pervert and misuse these great gifts as to bring us to a level in wretchedness with the masses upon the other side of the Atlantic. And yet we have political economists, who teach us to neglect these boundless resources, and to buy in Europe what nature has provided for us here—to struggle to feed cheaply a starving population at thousands of miles distant, because its necessities compel it to work cheap—in a word, to carry on a process of cheapening and cheapening till we become as degraded and miserable as they are. I am not of that school of economists. There are other things connected with the social condition, of higher importance and more deserving our regard than money. If the free laborer means his posterity shall inherit the blessings of practical freedom, he must look to it in season. He must put his face against the policy prescribed for us on the other side of the ocean. He must be warned by what he sees there before he is caught in the fatal meshes.

Mr. President, I had intended to touch upon one or two topics of a different character, which have been introduced by others; but shall relinquish that purpose. I have not attempted to be methodical, but have met the topics as they have been presented by others. I could not give my support to this resolution, and the circumstances under which it is brought up seemed to demand of me my opinions, which I have frankly expressed, and now take my leave of the subject.





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